

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

UNITED STATES OF AMERICA

CRIMINAL ACTION NO. 11-62-21

VERSUS

JUDGE S. MAURICE HICKS, JR.

ROBERT CUFF

MAGISTRATE JUDGE HORNSBY

MEMORANDUM ORDER

Before the Court is defendant Robert Cuff's ("Cuff") Motion to Substitute Attorney (Record Document 521). In this motion, filed four days before sentencing of the defendant, Cuff requests that new counsel, Mr. Eric Schweitzer, be substituted in place of Mr. Stephen Karns, who has served as Cuff's retained counsel throughout these proceedings. The motion further requests the Court "allow him sufficient time to prepare for sentencing and any other matters which [sic] this writer may deem advisable." (Record Document 521 at 1). Mr. Karns and Mr. John Loupe's request to join this motion is granted. (Record Document 524).

Cuff pled guilty to Count One of the Second Superseding Indictment pending in this matter on December 1, 2011. (Record Document 387). Sentencing for Cuff was set on March 8, 2012. On February 3, 2012 Cuff filed a motion to continue sentencing. (Record Document 436). The Court granted Cuff's motion and continued sentencing to May 16, 2012. (Record Document 438). On April 10, 2012, Cuff filed a second motion to continue sentencing. (Record Document 461). Again, the Court granted this motion and continued sentencing to its current setting of July 13, 2012. (Record Document 464).

On June 29, 2012, Cuff filed his sentencing memorandum and a motion for a downward departure. This memorandum is so voluminous that it takes up three document

numbers. (Record Documents 513-516). The substance of the memorandum itself is forty pages and contains almost thirty exhibits.

Mr. Karns has represented Cuff since August of 2011. He has filed numerous motions and memoranda on behalf of Cuff and is the attorney who has prepared all sentencing memoranda. Further, Cuff has had ample time since his guilty plea to enroll new counsel if he had perceived a problem with Mr. Karns's representation. See U.S. v. Torres-Perez, 110 Fed. Appx. 395 (5th Cir. 2004). Accordingly, the Court denies Cuff's motion to substitute counsel. Mr. Schweitzer is enrolled in this case and, therefore, may attend sentencing and advocate for Cuff, but Mr. Karns is not released from his representation of Cuff and his presence is expected at sentencing.

In regards to what amounts to a third motion to continue sentencing, the Court does not find a showing of good cause exist necessitating a continuance. It is the view of this Court that Cuff has had ample time to prepare for sentencing and his attorney, Mr. Karns, has made good use of the additional time granted. The sentencing memorandum filed by Mr. Karns is both competent and thorough. Further, Cuff has had more than 220 days to prepare for his sentencing. Therefore, the portion of Cuff's motion to substitute that requests the Court continue sentencing is denied.

Accordingly,

IT IS ORDERED that Stephen Karns and John Loupe's Motion for Joinder (Record Document 524) be and hereby is **GRANTED**.

IT IS FURTHER ORDERED that Robert Cuff's Motion to Substitute Counsel (Record Document 521) be and hereby is **DENIED**.

Thus done and signed, in chambers, Shreveport, Louisiana on this 10th day of July, 2012.


S. MAURICE HICKS, JR.
UNITED STATES DISTRICT JUDGE